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In re Application of:	:	DECISION ON
HIEL et al	:	
Application No.: 10/595,459	:	PETITIONS
Int. Filing Date: 22 October 2004	:	
Atty Docket No.: 50486-00003	:	UNDER
For: ALUMINUM CONDUCTOR COMPOSITE	:	
CORE REINFORCED CABLE AND METHOD OF	:	37 CFR § 1.78(a)(3) and (a)(6)
MANUFACTURE	:	
	:	
	:	
	:	

This is in response to applicants' "RENEWED PETITION TO CORRECT DOMESTIC PRIORITY CLAIM UNDER 35 U.S.C. 120 - 37 C.F.R. 1.78(a)(3) and 1.78(a)(3)" filed on 28 April 2011 which has been treated as a petition under 37 C.F.R. 1.78(a)(3) and 1.78(a)(6).

The petition is DISMISSED.

The present application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international and provisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 119(e) and 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and

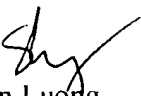
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional

The petition complies with the requirements of items (2) - (3),

For item (1), the amendment to the specification filed on 28 of April 2011 is improper. Under 37 CFR 1.121(b)(1)(ii), the full text of any replacement paragraph with markings should show all the changes relative to the previous version of the paragraph. The amendment, however, underlined changes that had already been made in the previous version of the paragraph.

Accordingly, having found that the instant petition for acceptance of unintentionally delayed claims for the benefit of priority under 35 U.S.C. §119(e) and §120 to the prior-filed applications failed to satisfies the conditions of 37 CFR 1.78(a)(3) and (a)(6), the petition is dismissed.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration


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